

CALLING FOR THE GLOBAL REPEAL OF BLASPHEMY LAWS

MARKUP

BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H. Res. 290

JULY 14, 2016

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CALLING FOR THE GLOBAL REPEAL OF BLASPHEMY LAWS

THURSDAY, JULY 14, 2016

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2255 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order and, pursuant to notice, we are here this afternoon to mark up an amendment in the nature of a substitute to H. Res. 290 calling for the global repeal of blasphemy laws.

Let me point out that the underlying resolution introduced by Congressman Joe Pitts and Sheila Jackson Lee is also co-sponsored by Mr. Cicilline, Mr. Donovan, Mr. Meadows, and myself.

Due to the strong bipartisan support for this measure, the fact that this subcommittee will reconvene following the markup for our hearing, as well as for scheduling other events, it is the intent of the Chairman to expedite consideration of the measure.

All members have copies of the amendment in the nature of a substitute to H. Res. 290 before them.

[The information referred to follows:]

114TH CONGRESS
1ST SESSION

H. RES. 290

Calling for the global repeal of blasphemy laws.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2015

Mr. PITTS (for himself and Ms. JACKSON LEE) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling for the global repeal of blasphemy laws.

Whereas Article 18 of the International Declaration of Human Rights affirms that everyone has the right to freedom of thought, conscience, and religion;

Whereas this right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship, and observance;

Whereas many countries have blasphemy laws that punish expression deemed blasphemous (contemptuous of God or sacred things), defamatory of religion, or insulting to religion or religious symbols, figures, or feelings, and such punishment can include fines, imprisonment, and even death;

Whereas blasphemy laws are inconsistent with international human rights standards, as they protect beliefs over individuals and often result in violations of the freedoms of religion and expression which are protected under international instruments, including Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR);

Whereas the United Nations Human Rights Committee stated in General Comment 34 that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”;

Whereas an international group of experts convened by the Office of the United Nations High Commissioner for Human Rights recommended in the 2012 Rabat Plan of Action that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.”;

Whereas blasphemy laws also are inconsistent with consensus United Nations resolutions adopted since 2011 that recognize that religious intolerance, discrimination, and violence are best fought through positive measures, such as education, outreach, and counter-speech, and that criminalization is appropriate only for incitement to imminent violence;

Whereas the United States Commission on International Religious Freedom (USCIRF) has found that blasphemy charges often are based on false accusations and used for political purposes, and exacerbate religious intolerance, discrimination, and violence;

Whereas the Pew Research Center has found that 44 countries had blasphemy laws as of 2012;

Whereas these laws were present in 14 Middle East and North African countries, 11 countries in the Americas, 9 Asia-Pacific countries, 7 European countries, and 3 Sub-Saharan African countries;

Whereas the Pew Research Center also found in 2011 that countries with laws against blasphemy, apostasy, or defamation of religion were more likely to have high government restrictions on religion or social hostilities based on religion than countries that do not have such laws;

Whereas Saudi Arabia has used criminal charges of blasphemy to suppress discussion and debate and silence dissidents, and publicly flogged Raif Badawi 50 times as part of a punishment for a blasphemy conviction;

Whereas Badawi was sentenced in May 2014 to 10 years in prison and 1,000 lashes, and fined \$1,000,000 SR (\$266,000) for, among other charges, insulting Islam and religious authorities;

Whereas USCIRF also reports that Egypt has seen a significant increase in the use of blasphemy-type laws since the January 25, 2011, revolution, including during and after the Morsi era;

Whereas in January 2015, Egyptian atheist student Karim Al-Banna was given a 3-year prison sentence for blasphemy because a court found some of his Facebook posts to “belittle the divine”;

Whereas in June 2014, Coptic Christian Kirolos Shawqi Atallah was sentenced to 6 years in prison for “defaming Islam” on a Facebook page;

Whereas USCIRF has found that in Pakistan and Egypt, the blasphemy laws have been used more against Muslims, but disproportionately impact these countries' small Christian minorities;

Whereas according to a Pew Center Report on Religion and Public Life, Pakistan is one of a handful of countries that stand out as having the highest levels of restrictions on religion when both government restrictions and social hostilities are taken into account;

Whereas USCIRF has found that the most egregious example of the enforcement of blasphemy laws and vigilante violence connected to blasphemy allegations is Pakistan, where blasphemy charges are common and numerous individuals are in prison, with a high percentage sentenced to death or life terms;

Whereas, as of February 2015, USCIRF is aware of 18 individuals on death row for blasphemy in Pakistan, and 20 serving life sentences;

Whereas Asia Bibi was sentenced to death for blasphemy in 2010, and the Lahore High Court upheld the conviction in late 2014;

Whereas her case is on appeal to the Supreme Court;

Whereas blasphemy laws in Pakistan have fostered a climate of impunity, as those who falsify evidence go unpunished and allegations can result in mob attacks or assassinations, with little to no police response; and

Whereas in November 2014, Christians Sajjad Maseeh and his wife Shama Bibi were beaten to death and thrown in a brick kiln after allegations of blasphemy were made against them, and in May 2014 Muslim human rights at-

torney Rashid Rehman was assassinated for defending someone accused of blasphemy: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) recognizes that blasphemy laws inappropri-
3 ately position governments as arbiters of truth or re-
4 ligious rightness as they empower officials to enforce
5 particular religious views against individuals, minori-
6 ties;

7 (2) calls on the President and the United
8 States Department of State to make the repeal of
9 blasphemy laws a priority in its bilateral relation-
10 ships with all countries that have such laws through
11 direct interventions in capitals and in multilateral
12 fora;

13 (3) encourages the President and the United
14 States Department of State to oppose any efforts at
15 the United Nations or other international or multi-
16 lateral fora to create an international anti-blasphemy
17 norm, such as the 1999–2010 “defamation of reli-
18 gions” resolutions, or attempts to expand the inter-
19 national norm on incitement to include blasphemy or
20 defamation of religions;

21 (4) supports efforts at the United Nations to
22 combat intolerance, discrimination, or violence
23 against persons based on religion or belief without
24 restricting expression, including United Nations

1 Human Rights Council Resolution 16/18 of 2011
2 and the Istanbul Process implementation meetings,
3 consistent with the first amendment of the United
4 States Constitution;

5 (5) reaffirms the decision to designate Saudi
6 Arabia a “country of particular concern” for, among
7 other reasons, continuing to detain and imprison
8 people for blasphemy and for imposing torture,
9 cruel, inhuman or degrading treatment or punish-
10 ment, and limit the waiver on this designation to no
11 more than 180 days;

12 (6) calls on the President and the Department
13 of State to designate Pakistan and Egypt each as a
14 “country of particular concern” under the Inter-
15 national Religious Freedom Act for perpetrating and
16 tolerating particularly severe violations of religious
17 freedom, including abuses flowing from the enforce-
18 ment of its blasphemy law and from vigilante vio-
19 lence around blasphemy allegations that takes place
20 with impunity;

21 (7) urges the Governments of Pakistan, Saudi
22 Arabia, Egypt and the governments of other coun-
23 tries to amend or repeal their blasphemy laws as
24 they provide a pretext for impunity or violence
25 against religious minorities; and

1 (8) urges those countries that have imprisoned
2 people on charges of blasphemy to release them un-
3 conditionally and, once released, ensure their safety
4 and that of their families.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 290
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike the preamble and insert the following:

Whereas Article 18 of the International Declaration of Human Rights affirms that everyone has the right to freedom of thought, conscience, and religion;

Whereas this right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship, and observance;

Whereas many countries have blasphemy laws that punish expression deemed blasphemous (contemptuous of God or sacred things), defamatory of religion, or insulting to religion or religious symbols, figures, or feelings, and such punishment can include fines, imprisonment, and even death;

Whereas blasphemy laws are inconsistent with international human rights standards, as they protect beliefs over individuals and often result in violations of the freedoms of religion and expression which are protected under international instruments, including Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR);

Whereas the United Nations Human Rights Committee stated in General Comment 34 that "[p]rohibitions of displays of lack of respect for a religion or other belief sys-

tem, including blasphemy laws, are incompatible with the [ICCPR].”;

Whereas an international group of experts convened by the Office of the United Nations High Commissioner for Human Rights recommended in the 2012 Rabat Plan of Action that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.”;

Whereas blasphemy laws also are inconsistent with consensus United Nations resolutions adopted since 2011 that recognize that religious intolerance, discrimination, and violence are best fought through positive measures, such as education, outreach, and counter-speech, and that criminalization is appropriate only for incitement to imminent violence;

Whereas the United States Commission on International Religious Freedom (USCIRF) has found that blasphemy charges often are based on false accusations and used for political purposes, and exacerbate religious intolerance, discrimination, and violence;

Whereas the Pew Research Center has found that 44 countries had blasphemy laws as of 2012;

Whereas these laws were present in 14 Middle East and North African countries, 11 countries in the Americas, 9 Asia-Pacific countries, 7 European countries, and 3 Sub-Saharan African countries;

Whereas the Pew Research Center also found in 2011 that countries with laws against blasphemy, apostasy, or defamation of religion were more likely to have high govern-

ment restrictions on religion or social hostilities based on religion than countries that do not have such laws;

Whereas Saudi Arabia has used criminal charges of blasphemy to suppress discussion and debate and silence dissidents, and publicly flogged Raif Badawi 50 times as part of a punishment for a blasphemy conviction;

Whereas Badawi was sentenced in May 2014 to 10 years in prison and 1,000 lashes, and fined \$1,000,000 SR (\$266,000) for, among other charges, insulting Islam and religious authorities;

Whereas USCIRF also reports that Egypt has seen a significant increase in the use of blasphemy-type laws since the January 25, 2011, revolution, including during and after the Morsi era;

Whereas in January 2015, Egyptian atheist student Karim Al-Banna was given a 3-year prison sentence for blasphemy because a court found some of his Facebook posts to “belittle the divine”;

Whereas in June 2014, Coptic Christian Kirolos Shawqi Atallah was sentenced to 6 years in prison for “defaming Islam” on a Facebook page;

Whereas USCIRF has found that in Pakistan and Egypt, the blasphemy laws have been used more against Muslims, but disproportionately impact these countries’ small Christian minorities;

Whereas according to a Pew Center Report on Religion and Public Life, Pakistan is one of a handful of countries that stand out as having the highest levels of restrictions on religion when both government restrictions and social hostilities are taken into account;

Whereas USCIRF has found that the most egregious example of the enforcement of blasphemy laws and vigilante violence connected to blasphemy allegations is Pakistan, where blasphemy charges are common and numerous individuals are in prison, with a high percentage sentenced to death or life terms;

Whereas, as of February 2015, USCIRF is aware of 18 individuals on death row for blasphemy in Pakistan, and 20 serving life sentences;

Whereas Aasia Bibi was sentenced to death for blasphemy in 2010, and the Lahore High Court upheld the conviction in late 2014;

Whereas her case is on appeal to the Supreme Court;

Whereas in August of 2012, Rimsha Masih, a young Pakistani girl and Christian minority, was arrested in Islamabad by Pakistani police for allegedly desecrating pages of the Quran;

Whereas weeks after Rimsha Masih's arrest, the imam of her local mosque was arrested for allegedly planting charred text of the Quran in Rimsha Masih's belongings;

Whereas following Rimsha's arrest, hundreds of Christian families were uprooted from her hometown, Rimsha was cleared of all charges in November of 2012, the imam was acquitted in August of 2013 and Rimsha and her family have fled Pakistan and have claimed asylum elsewhere;

Whereas blasphemy laws in Pakistan have fostered a climate of impunity, as those who falsify evidence go unpunished and allegations can result in mob attacks or assassinations, with little to no police response; and

Whereas in November 2014, Christians Sajjad Maseeh and his wife Shama Bibi were beaten to death and thrown in a brick kiln after allegations of blasphemy were made against them, and in May 2014 Muslim human rights attorney Rashid Rehman was assassinated for defending someone accused of blasphemy: Now, therefore, be it

Strike all after the resolving text and insert the following:

That the House of Representatives—

1 (1) recognizes that blasphemy laws inappropri-
2 ately position governments as arbiters of truth or re-
3 ligious rightness as they empower officials to enforce
4 particular religious views against individuals, minori-
5 ties;

6 (2) calls on the President and the United
7 States Department of State to make the repeal of
8 blasphemy laws a priority in its bilateral relation-
9 ships with all countries that have such laws through
10 direct interventions in capitals and in multilateral
11 fora;

12 (3) encourages the President and the United
13 States Department of State to oppose any efforts at
14 the United Nations or other international or multi-
15 lateral fora to create an international anti-blasphemy
16 norm, such as the 1999–2010 “defamation of reli-

1 gions” resolutions, or attempts to expand the inter-
2 national norm on incitement to include blasphemy or
3 defamation of religions;

4 (4) supports efforts at the United Nations to
5 combat intolerance, discrimination, or violence
6 against persons based on religion or belief without
7 restricting expression, including United Nations
8 Human Rights Council Resolution 16/18 of 2011
9 and the Istanbul Process implementation meetings,
10 consistent with the first amendment of the United
11 States Constitution;

12 (5) reaffirms the decision to designate Saudi
13 Arabia a “country of particular concern” for, among
14 other reasons, continuing to detain and imprison
15 people for blasphemy and for imposing torture,
16 cruel, inhuman or degrading treatment or punish-
17 ment, and limit the waiver on this designation to no
18 more than 180 days;

19 (6) recognizes the Egyptian Government’s posi-
20 tive steps to address some religious freedom con-
21 cerns, including intolerance in religious curricula
22 and extremism in religious discourse, as well as
23 President Abdel Fattah al-Sisi’s public statements
24 encouraging religious tolerance and moderation and

1 his attendance of a Coptic Christmas Eve mass for
2 the second consecutive year;

3 (7) calls on the President and the Department
4 of State to designate Pakistan and Egypt each as a
5 “country of particular concern” under the Inter-
6 national Religious Freedom Act for perpetrating and
7 tolerating particularly severe violations of religious
8 freedom, including abuses flowing from the enforce-
9 ment of its blasphemy law and from vigilante vio-
10 lence around blasphemy allegations that takes place
11 with impunity;

12 (8) urges the Governments of Pakistan, Saudi
13 Arabia, Egypt and the governments of other coun-
14 tries to amend or repeal their blasphemy laws as
15 they provide a pretext for impunity or violence
16 against religious minorities; and

17 (9) urges those countries that have imprisoned
18 people on charges of blasphemy to release them un-
19 conditionally and, once released, ensure their safety
20 and that of their families.



Mr. SMITH. After we have concluded our expedited consideration, I would be glad to recognize any member, if he would like to say a word or two or put it in the record for on behalf of this resolution.

Before I do, I would note that there is one technical correction that needs to be made in the first whereas clause. Rather than "International Declaration of Human Rights," it should read "Universal Declaration of Human Rights."

All members are given leave to insert written remarks into the record, if they so choose to do so.

Seeing that with the consent of Mr. Cicilline, by way of his staff, we have the requisite number of members present, without objection, the following amendment in the nature of a substitute to H. Res. 290, calling for the global repeal of blasphemy laws, is considered read.

The Chair moves that the item be adopted. All those in favor say aye.

Those opposed, no.

The ayes have it. In the opinion of the Chair, the item is adopted without objection. The measure is amended.

As reported favorably to the full committee, the staff is directed to make technical and conformance changes.

The subcommittee markup is adjourned and I thank my friends, both of whom have to be at other hearings, Mark Meadows is chairing one right now, for making time to be here, as well as to Mr. Donovan.

[Whereupon, at 2:11 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

SUBCOMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

July 14, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, to be held in Room 2255 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, July 14, 2016

TIME: 2:00 p.m.

MARKUP OF: H. Res. 290, Calling for the global repeal of blasphemy laws.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE MARKUP

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and Inte MARKUP

Day Thursday Date July 14, 2016 Room 2255 Rayburn HOB

Starting Time 2:00 p.m. Ending Time 2:11 p.m.

Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☒

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

H. Res. 290, Calling for the global repeal of blasphemy laws.

COMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows, Rep. Dan Donovan

NON-COMMITTEE MEMBERS PRESENT:

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

H. Res. 230 passed, as amended by Smith (NJ) #101, by unanimous consent


RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

<u>Subject</u>	<u>Yens</u>	<u>Nays</u>	<u>Present</u>	<u>Not Voting</u>
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TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 2:11 p.m.


Subcommittee Staff Associate

7/14/16 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations Markup Summary

The Chair obtained unanimous consent to consider one measure and one amendment (previously provided to Members of the Subcommittee):

1) H. Res. 290 (Pitts), “Calling for the global repeal of blasphemy laws.”

a. Smith 101.

H. Res. 290 was amended and agreed to by voice vote and the Chairman ordered the measure favorably reported to the Full Committee by unanimous consent.

The subcommittee adjourned.